

**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2457 FAX (603) 271-7894



Al Parchuck  
Salem Athletic Club  
16 Manor Parkway  
Salem, New Hampshire 0307

LETTER OF DEFICIENCY  
WMB PBF 02-19  
May 3, 2002

Dear Mr. Parchuck

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On April 30, 2002, DES inspected the following public bathing facilities at the Salem Athletic Club, in Salem, NH:

- a. The indoor pool, ("Pool");
- b. The spa located in the men's locker room, ("Men's Spa");
- c. The spa located in the women's locker room, ("Women's Spa")

During this inspection, the following deficiencies were noted:

A recommendation to close, drain, and disinfect the Women's Spa was issued on May 1, 2002. The inspection on April 30, 2002 revealed that the Women's Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Women's Spa water:

- (a) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Women's Spa water contained greater than 200 CTS/100mL.
2. Env-Ws 1103.16(e) requires a free residual chlorine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L chlorine. The chlorine concentration of the Women's Spa water was 1.0 mg/L on April 30, 2002.

Env-Ws 1103.16(f) requires a pH between 7.0 and 7.8 in public spa water. The pH of the Men's Spa water was 8.6 on April 30, 2002. The pH of the Women's Spa water was 6.9 on April 30, 2002.

4. Pursuant to Env-Ws 1103.16(h), spa water temperature shall not exceed 104°F. The temperature of the Women's Spa water was 106°F on April 30, 2002.
5. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Water quality is not tested and recorded as required.

- 6 Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Women's Spa at the time of the inspection. Patron rules were not posted at the Men's Spa at the time of the inspection.
- 7 Pursuant to Env-Ws 1104.03(d)(7), a clock shall be visible from all public spas. A clock was not visible from the Women's Spa at the time of the inspection. A clock was not visible from the Men's Spa at the time of the inspection.
- 8 Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Pool was not marked on the vertical pool wall of the Pool.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- A copy of two weeks of water quality test results for all facilities (please do not send originals).
- 2 A timetable of when:
  - a. the safety items will be in place,
  - b. the depth will be marked, and
  - c. patron rules will be posted.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

  
**COPY**  
Jody Connor  
Limnology Center Director

enclosures

cc Mark Harbaugh, Enforcement Attorney, DES ✓  
Russell A. Nylander, P.E., Chief Engineer, WD/DES  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Suzanne B. Doucette, Health Officer, Town of Salem